IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20049 of 2004

Between:

Thotakura Satyanarayana Raju, s/o Rama Raju,
r/o Nutiramannapalem, Buttaigudem Mandal, West Godavari

District.

..... PETITIONER

AND

1 The Superintendent of Police, West Godavari District, Eluru.
2 The Station House Officer, Buttaigudem Police Station,
Buttaigudem, West Godavari District.
3 The Mandal Revenue Officer, Buttaigudem Mandal,

West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order direction writ more particularly writ of mandamus declare the action of the respondents in not taking action on the petitioner's complaint dt.07-09-2004 as being illegal, arbitrary and violative of Article 14 and 300-A of the Constitution of India and consequentially direct the respondents to provide necessary police protection to the petitioner's land situated in R.S.No.332, 331, 329/8, 329/6 an extent of Ac.8.79 cts. of Koyarajahmundry Village, Buttaigudem Mandal, West Godavari District.

Counsel for the Petitioner: MR.P.R.K.AMARENDRA KUMAR

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home, appearing for the respondents.

The petitioner claims to be the owner and possessor of Acs.8.79 cents of land situated in R.S.No. 332, 331, 329/8, 329/6 of Koyarajahmundry Village, Buttaigudem Mandal, West Godavari District, which is notified as a scheduled area. It is stated by the petitioner that the tribals of the locality have been making attempts to interefere with the possession and enjoyment of his land in question and therefore he lodged a complaint with the respondents on 07-09-2004 requesting to take the necessary action. The grievance of the petitioner is that the respondents failed to take any action so far. Hence, this writ petition seeking a declaration that the inaction on the part of the respondents is arbitrary and illegal.

It is to be noted that as per the circular dated 03-07-2002 issued by the Revenue Divisional Officer and Special Assistant Agent to Government, Jangareddygudem whenever a land dispute between the tribals and non-tribals is received by a Station House Officer, he should first consult the Mandal Revenue Officer concerned in the matter, and if the matter requires any filed inspection, a joint inspection with the assistance of the Mandal Revenue Officer or Mandal Surveyor shall be conducted.

Having regard to the facts and circumstances of the case, and in the light of the circular dated 03-07-2002, without expressing any opinion on merits of the case, the writ petition is disposed of with a direction to the 2nd respondent-Station House Officer, Buttaigudem Police Station, Buttaigudem, West Godavari District, to refer the matter to the concerned Mandal Revenue Officer, regarding the title and possession in respect of the land in question. On receipt of the status report from the concerned Mandal Revenue Officer, the respondents shall consider the complaint of the petitioner dated 07-09-2004, and take necessary action in accordance with law as

expeditiously as possible.

Accordingly, the writ petition is disposed of. No costs.

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02-11-2004

Note: Issue C.C in two days.

B/o.

vs

To

1 The Superintendent of Police, West Godavari District, Eluru.
2 The Station House Officer, Buttaigudem Police Station, Buttaigudem, W.G.District.
3 The Mandal Revenue Officer, Buttaigudem Mandal,

West Godavari District.

4 2CCs to the G.P for Home, High Court Buildings,

Hyderabad(O.U.T).

5 2CD copies